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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 DAVID BOCK, L.B., a minor by and
12 through his Guardian ad Litem, Robert
Powell,

13 Plaintiff,

14 vs.

15 CITY OF LOS ANGELES, and Does 1
16 through 10, Inclusive,

17 Defendants.

CASE NO. 2:18-cv-06485-PA-FFM

**ANSWER TO SECOND AMENDED
COMPLAINT; DEMAND FOR
JURY TRIAL**

18
19 Defendant City of Los Angeles (“Defendant”) hereby answers the Second
20 Amended Complaint of L.B., a minor by and through his Guardian ad Litem,
21 Robert Powell, for itself and no other, by admitting, denying and alleging as
22 follows:

23 1. Answering paragraph 1, Defendant admits that Plaintiff is alleging
24 that federal question jurisdiction in this court is proper and that Plaintiff is
25 requesting a jury trial.

26 2. Answering paragraph 2, Defendant lacks sufficient information and
27 belief as to Plaintiff’s residency status. Defendant admits the remaining
28 allegations in the paragraph.

1 3. Answering paragraph 3, Defendant admits that the City of Los
2 Angeles is a public entity organized and existing under the laws of the State of
3 California and that the Los Angeles Police Department is a law enforcement
4 agency within the City of Los Angeles. Except as otherwise admitted, Defendant
5 denies the remaining allegations therein.

6 4. Answering paragraph 4, Defendant admits the allegations therein.

7 5. Answering paragraph 5, Defendant lacks sufficient information and
8 belief upon which to answer the allegations contained therein, and on that basis
9 denies the allegations.

10 6. Answering paragraph 6, Defendant lacks sufficient information and
11 belief upon which to answer the allegations contained therein, and on that basis
12 denies the allegations.

13 7. Answering paragraph 7, Defendant lacks sufficient information and
14 belief upon which to answer the allegations contained therein, and on that basis
15 denies the allegations.

16 8. Answering paragraph 8, Defendant lacks sufficient information and
17 belief upon which to answer the allegations contained therein, and on that basis
18 denies the allegations.

19 9. Answering paragraph 9, Defendant admits that Officer Salinas went
20 to L.B.'s school on March 12, 2018 to interview him regarding allegations that
21 L.B.'s father had physically abused him. Except as expressly admitted, Defendant
22 denies the remaining allegations in the paragraph.

23 10. Answering paragraph 10, Defendant admits that Officer Salinas asked
24 L.B. questions about the allegations of abuse by his father and further admits that
25 the allegations of abuse arose from an incident on February 14, 2018. Except as
26 otherwise admitted, Defendant denies the remaining allegations in the paragraph.

27 11. Answering paragraph 11, Defendant lacks sufficient information and
28 belief as to what was done by the Los Angeles County Department of Children

1 and Family Services, its findings, and “closure” of the referral and on that ground
2 denies the allegations. Except as stated, Defendant denies the remaining
3 allegations of the paragraph.

4 12. Answering paragraph 12, Defendant admits that L.B.’s mother was
5 not suspected of abusing L.B. Except as otherwise admitted, Defendant denies the
6 remaining allegations in the paragraph.

7 13. Answering paragraph 13, Defendant denies each and every allegation
8 therein.

9 14. Answering paragraph 14, Defendant admits that it did not have a
10 court order, exigency, or parental consent to interview L.B. Except as otherwise
11 admitted, Defendant denies the allegations in the paragraph.

12 15. Answering paragraph 15, Defendant admits that at all times relevant
13 to the allegation in the Second Amended Complaint, Officer Salinas was acting in
14 the course and scope of her duties as an LAPD officer. Except as expressly
15 admitted, Defendant lacks sufficient information and belief upon which to answer
16 the remaining allegations and on that basis, denies them.

17 16. Answering paragraph 16, Defendant denies each and every allegation
18 therein.

19 17. Answering paragraph 17, Defendant denies each and every allegation
20 therein.

21 18. Answering paragraph 18, Defendant admits that Officer Salinas was
22 acting in the course and scope of her duties as an LAPD officer on February 14,
23 2018 when she interviewed L.B. Except as otherwise admitted, Defendant denies
24 the remaining allegations in the paragraph.

25 19. Answering paragraph 19, Defendant denies each and every allegation
26 therein.

27 20. As David Bock is no longer a plaintiff in this action and the Court has
28 dismissed the claims that Plaintiffs’ procedural and substantive due process rights

1 were violated, the allegations in Paragraph 20 as they relate thereto are irrelevant.
2 Defendant denies the remaining allegations in paragraph 20.

3 21. As the Court has dismissed the First Amendment claims from this
4 case, the allegations in Paragraph 21 do not require an answer.

5 22. Answering paragraph 22, Defendant denies each and every allegation
6 therein and specifically denies that it was the cause of any damages L.B. claims to
7 have suffered.

8 23. Answering paragraph 23, Defendant incorporates its answers and
9 responses to paragraphs 1 through 22 as if set forth in full.

10 24. Answering paragraphs 24(a) through (e), Defendant denies that it
11 violated LB's Fourth Amendment rights and further notes that Plaintiff's claims
12 that his First and Fourteenth Amendment rights were violated is no longer at issue
13 in this case.

14 25. Paragraph 25 contains only statements of law, and not allegations of
15 fact to which an admission or denial is required by the Federal Rules of Civil
16 Procedure.

17 26. Answering paragraph 26, Defendant denies each and every allegation
18 therein.

19 27. Answering paragraph 27, Defendant denies each and every allegation
20 therein.

21 28. Answering paragraph 28, Defendant denies each and every allegation
22 therein.

23 29. Answering paragraph 29, Defendant denies each and every allegation
24 therein.

25 30. Answering paragraph 30, Defendant incorporates its answers and
26 responses to paragraphs 1 through 29 as if set forth in full.

27 31. Answering paragraph 31 only as it relates to Plaintiff L.B. pursuant to
28 the Court's Order dated April 15, 2019, Defendant admits that Plaintiff has alleged

1 a violation of his Fourth Amendment rights under the Constitution. Except as
2 expressly admitted, Defendant denies that L.B. is subject to violations of his
3 Fourth Amendment rights as a result of any policy, custom or practice of the City.

4 32. Answering paragraph 32 only as it relates to Plaintiff L.B., Defendant
5 denies each and every allegation therein.

6 33. Answering paragraph 33, Defendant denies each and every allegation
7 therein.

8 34. Answering paragraph 34 only as it relates to Plaintiff L.B. and the
9 Fourth Amendment pursuant to the Court's prior Orders, Defendant denies each
10 and every allegation therein.

11 35. Answering paragraph 35 only as it relates to Plaintiff L.B. pursuant to
12 the Court's prior Orders, Defendant denies each and every allegation therein.

13 36. Answering the prayer for relief, Defendant denies that Plaintiff is
14 entitled to any of the relief sought.

15 37. To the extent that Defendant was required to have answered an
16 allegation in the complaint and has not done so, Defendant hereby denies each and
17 every such allegation and specifically denies that Plaintiff is entitled to any relief
18 whatsoever from Defendant.

19 **AFFIRMATIVE DEFENSES**

20 As separate and distinct affirmative defenses, Defendant alleges each of the
21 following:

22 **FIRST AFFIRMATIVE DEFENSE**

23 38. Plaintiff's Second Amended Complaint and each claim for relief
24 therein fails to state a valid claim for relief or basis for recovery.

25 **SECOND AFFIRMATIVE DEFENSE**

26 39. Plaintiff's claim for injunctive relief is moot.

27 **THIRD AFFIRMATIVE DEFENSE**

28 40. Plaintiff has failed to mitigate the damages, if any, he suffered.

FOURTH AFFIRMATIVE DEFENSE

41. Defendant reserves the right to amend its answer and defenses, to assert additional affirmative defenses, and to supplement, alter or change its answer upon the discovery of additional facts.

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff take nothing by way of this action;
2. That the action be dismissed;
3. That Defendant be awarded costs of suit;
4. That Defendant be awarded other and further relief as the Court may deem just and proper, including an award of attorney's fees pursuant to 42 U.S.C. § 1988.

Dated: April 25, 2019

REILY & JEFFERY, INC.

By

/s/ Janine K. Jeffery
Janine K. Jeffery
Attorneys for Defendant

DEMAND FOR JURY TRIAL

Defendant hereby demands and requests a trial by jury in this matter.

Dated: April 25, 2019

REILY & JEFFERY, INC.

By

/s/ Janine K. Jeffery
Janine K. Jeffery
Attorneys for Defendant